

ENTERED

May 25, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CRIMINAL ACTION NO. 7:19-cr-00522
	§	01, 03
RICARDO QUINTANILLA and	§	
ARTURO C. CUELLAR,	§	
	§	
Defendants.	§	

ORDER

Came on to be considered “Defendant’s Unopposed Motion for Continuance of Trial.”¹ On May 23, 2022, the Government filed a motion requesting a status hearing in the instant case.² Therein, the Government represented that through discussions with counsel for Defendant Quintanilla, the Government was informed that Defendant Quintanilla “recently suffered a health event that may impede his ability to participate in trial in this matter should it commence on June 13, 2022.”³ The motion further indicated that Counsel for Defendant Quintanilla represented to the Government that he intended to move for a continuance of the trial date.⁴ No motion was then filed. On May 20, 2022, the Government again spoke with counsel for Defendant Quintanilla where counsel again represented that he intended to move for a continuance of the trial date.⁵ Again, no motion was filed. On May 23, 2022, the Government again spoke with counsel for

¹ Dkt. No. 341.

² Dkt. No. 338.

³ *Id.* at 1.

⁴ *Id.*

⁵ *Id.*

Defendant and counsel represented that he would be filing a motion for continuance that day.⁶ Yet again, no motion was filed. The Government then filed the motion for a status conference to discuss these issues.⁷

The Court set a status conference for May 24, 2022, at 3:00 p.m.⁸ No motion for continuance was filed before the conference. Instead, Defendant Quintanilla filed a “Supplemental Brief to the Government’s Emergency Motion for Status Hearing” twenty-five minutes before the conference was scheduled to begin.⁹ Therein counsel for Defendant Quintanilla informed the Court that Defendant Quintanilla underwent a coronary artery bypass on April 15, 2022 and that “Defendant Quintanilla has obtained two letters from medical providers regarding his medical condition.”¹⁰ One of the letters was corrupt or improperly attached.¹¹ The second letter was from Defendant Quintanilla’s primary care physician and stated that “Mr. Ricardo Quintanilla has been under my care for the past few years and recently had open heart surgery. Due to his current condition I recommend patient to have low stress environment at work and at home to avoid any complications to his health at least for the next 90 days.”¹² Despite this representation the brief did not request a continuance.

At the status conference held on May 24, 2022, the Court specifically noted that no motion for continuance had been filed as of that time. The Court further admonished counsel that it would not entertain a late filed motion for continuance. The Court provided defense counsel an opportunity to urge a motion for continuance at that hearing. Despite the issue of a continuance being the topic of discussion at the status hearing, Counsel for Defendant Quintanilla failed to urge

⁶ *Id.* at 2.

⁷ *Id.*

⁸ Dkt. No. 339.

⁹ Dkt. No. 340.

¹⁰ *Id.* at 1.

¹¹ Dkt. No. 340-1.

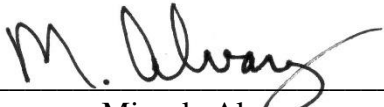
¹² Dkt. No. 340-2.

an oral motion or even indicate that they would seek a continuance.¹³ Only after foregoing this opportunity to request a continuance did counsel for Defendant Quintanilla file the instant motion. The motion itself is cursory and it only reiterates what was before the Court at the status hearing.¹⁴ The same letters as the ones attached to the supplemental brief are attached to the instant motion and again, only one from the primary care physician is able to be viewed.¹⁵

For the reasons discussed at the Status Conference held on May 24, 2022, and after duly considering said motion, the Court finds that the motion should be and is hereby **DENIED**. Jury selection remains set for **June 13, 2022, at 9:00 a.m.** with trial to commence immediately thereafter.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 25th day of May 2022.



Micaela Alvarez
United States District Judge

¹³ Minute Entry (May 24, 2022).

¹⁴ Dkt. No. 341.

¹⁵ Dkt. Nos. 341-1,2.